

## Red flags in the purchases carried out by "Chişinău-gaz" SRL

Suspicious about the fairness of the acquisition procedures carried out by the companies in which Moldovagaz SA holds the majority of shares have been publicized. In our monitoring activity, we also analyzed several procurement procedures carried out by the largest of these companies - "Chisinau-Gaz" Ltd. As a result, we identified a number of red flags, which speak about the limitation of competition and possible favoring of some contractors, exposed below.

### ***The technical specifications do not lay down the standards to which the goods must conform***

An example of this is the procurement procedure for paints and varnishes, no. [ocds-b3wdp1-MD-1701432214880](#). In this procurement procedure, "Chisinau-Gaz" Ltd. proposed to purchase paints and varnishes with an estimated value of over 6 million lei (~USD 1303500) excluding VAT. The tender notice and the specifications do not specify the reference standards to which the purchased products must correspond, although the mandatory submission of certificates of conformity is required. However, the legislation of the Republic of Moldova to which the products must conform is listed, including the maximum limit of volatile organic compounds. These circumstances were detailed in the article *Infringements in sectoral procurement of paints*, published on <https://revizia.md/ro/incalcari-lachizitiile-sectoriale-de-vopsele/>.

### ***Restrictive technical specifications***

In the procurement procedure for the construction works of the medium-pressure gas pipeline (ring) or. Aeroport, no. [ocds-b3wdp1-MD-1707492498677](#), "Chişinău-Gaz" SRL has stipulated in the tender notice **the requirement to submit quality certificates for some materials used in the works with the submission of tenders**. This requirement was contested by "Polimer Gaz Constructions" SRL, which argued that the quality certificates for the product are only completed after the production of the good, not before, i.e. that this requirement would be aimed at creating obstacles for the tenderers. ANSC held that "if a certificate of conformity, within the meaning of Law no. 235/2011, is a document attesting that a duly identified product has undergone conformity assessment procedures and that, at the time of assessment, the product complies with the applicable specified requirements, a quality certificate is more a declaration by the manufacturer that the product meets the customer's requirements and, as the protester also claims, quality certificates are issued by the manufacturer at the stage of delivery of the products, which would indirectly require bidders either to purchase a certain batch of products during the period of preparation of the bid or to formally submit quality certificates from products purchased in the past." The ANSC thus upheld the challenge and ordered the revision of the tender documentation in this respect.

Another restrictive requirement in the tender notice, which has not been challenged, is the obligation to inspect the worksite and its surroundings in order to assess, at its own responsibility, costs and risks. Compliance with this requirement is confirmed by the presentation of the Certificate issued by the beneficiary. Although inspection of the land

should be a recommendation, we consider that this cannot be a mandatory requirement. In this case, we cannot exclude the situation where the contracting entity would evade the presentation of the site or the offer of the site visit certificate to a specific contractor, putting him in the situation of not being able to participate in the tender. One contractor asked for clarification on this point, proposing to announce dates with the exact time when visits could take place. The entity has evaded replying, citing an article in the law which refers to the rules applicable to communication.

The restrictive requirement for the **submission of quality certificates when submitting tenders** is also found in another procurement procedure, for the purchase of construction works for the medium pressure gas pipeline (ring) com. Stăuceni in the direction of Pașcani village, mun. Chisinau, no. [ocds-b3wdp1-MD-1671203890728](#). In this case, too, it is indicated that the bidder is obliged to acquaint himself with the object and to draw up the bid in the established manner, without specifying whether the entity issues certificates that would confirm the visit to the site.

In another procurement procedure, concerning the purchase of Oracle Database licenses and Oracle Weblogic licenses, No. [ocds-b3wdp1-MD-1685346158290](#), the contracting entity included **the requirement that bidders must be authorized Oracle partners in the sale of products in the public sector and have a minimum of three such contracts in their portfolio**. These conditions caused dissatisfaction among some contractors, who accused "Chișinău-gaz" SRL of distortion of competition, as the contracting entity is not a public sector enterprise. "Chisinau-gaz" SRL replied that goods and services are purchased for the Moldovagaz group of companies, of which "Moldovagaz" SA is a member. These details are not included in the contract notice or in the specifications.

Initially, the lowest priced bid submitted by "BTS PRO" SRL was rejected, including on the grounds that this contractor was not an authorized Oracle partner in the sale of products in the public sector, and the winning bid was designated the bid submitted by "S&T Mold" (formerly "Bass Systems" SRL). After examination of an objection submitted by "BTS PRO" SRL, which revealed that this contractor also held documents which would confirm this status, the contract was awarded to "BTS PRO" SRL.


In the procurement procedure for an excavator and a mini-excavator, No. [ocds-b3wdp1-MD-1673252235342](#), the contracting entity established **exact parameters for the mini-excavator, which corresponded to a certain model**. In the tender specifications the exact gauge of the mini excavator was set, i.e. 3.86m x 0.98m x 2.32m, and other dimensions were set in mm: digging depth - 2570 mm, digging radius - 3981 mm, and dumping height - 2630 mm. Moreover, the mini-excavator in question was included in the same lot with another excavator, which further limits competition.

Tipul caroseriei	MINIEXCAVATOR
<b>Dimensiuni:</b>	
- Gabarituri:	3.86 M × 0.98 M × 2.32 M
- Adâncimea de săpare:	2 570 mm
- Raza de săpare:	3 981 mm
- Înălțimea de descărcare:	2 630 mm
Greutatea operationala maxima (kg)	1 943 kg
Puterea Motorului (CP)	16,3 CP / 12 kVt
Combustibil:	Motorină
	EURO 5
Lățimea șenile:	230 mm
Șenile:	Cauciuc
Cabina:	Tip închis cu încălzire
Încălzitor autonom:	+
Scaun pneumatic:	+
Cupa de săpat 30 cm:	+
Cupa de săpat 40 cm:	+
Cupa de săpat 60 cm:	+
Cupa taluz 1 metru:	+
Lamă față 980 mm:	+
Sistem hidraulic pentru ciocan:	+
Stare tehnica	NOU
Anul producerii (NOU)	Nu mai vechi decit 2022

Following an contractor's comment in the "clarifications" section, the parameters for the mini-excavator have been updated, leaving in fact exactly the same dimensions as mentioned, but with the specification that these parameters are minimal. These changes do not change the substance. From the winning tender, we note that the proposed dimensions are identical to those in the contracting entity's specifications.

2	"MINIEXCAVATOR"	1 buc	Descriș in documentația de atribuire 	Miniexcavator Dimensiuni: L/lh 3860 mm x 980 mm x 2320 mm *Adâncimea de săpare:2570 mm *Raza de săpare: 3981mm *Înălțimea de descărcare :2630 mm *Puterea Motorului (CP):16,3 CP / 12 kWt *Combustibil:Motorină *Lățimea senile :230 mm			Marea Britanie	JCB
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				*Șenile: Cauciue *Cabina: Tip închis cu încălzire *Încălzitor autonomă *Scaun pneumatic *Cupa de săpat 30 cm *Cupa de săpat 40 cm *Cupa de săpat 60 cm *Cupa taluz 1 metru *Lamă față 980 mm *Sistem hidraulic pentru ciocan *Stare tehnica: NOU *Anul producerii 2022				
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Semnat:  Numele, Prenumele: *Gheorghiev Veaceslav*  
 În calitate de: *Director*  
 Ofertantul: *Omega Trade SRL*  
 Adresa: *MD-2059 str. Calea Orheiului 112, or. Chisinau.*  
 Data *10.02.2023*

The purchase contract was awarded to the contractor "Omega Trade" SRL. The same contractor also sold the contracting entity an excavator in 2022, as a result of the tender procedure no. ocds-b3wdp1-MD1651046537639, according to [the Report on the execution of sectoral procurement contracts for 2022](#).

Another possible case of restrictive specifications we identified in the procurement procedure for household meters, No. [ocds-b3wdp1-MD-1701433884573](#). The tender notice requested **experience of similar deliveries (delivery of goods: meters, legal measuring instruments or other goods in the category of the subject of the procurement)**. The tenderer or the members of the consortium had to demonstrate that they had carried out a contract for the supply of similar goods: meters, legal measuring instruments or other goods of the category of the object of the procurement, equal to at least 75% of the value of the future contract or that the cumulative value of all the contracts carried out in the last year of activity was equal to or greater than the value of the future contract. The similar experience requirements, which describe so specifically the goods to be supplied by the tenderer and the minimum value of the contracts concerned, allow a very limited number of contractors to participate in these tenders. Few entities carry out tenders for the purchase of meters, especially on such a large scale. In other words, when the conditions relating to similar experience are so restrictive, tenders may generally be submitted by the same contractors

who have supplied similar goods to the contracting entity in previous years. The procurement contract was awarded to "Orion-GS" SRL, which was awarded another contract worth more than 36 million lei, excluding VAT, in early 2023, as a result of tender procedure no. [ocds-b3wdp1-MD-1673613150942](#).

**DECLARAȚIE**  
privind lista principalelor livrări/prestări efectuate în ultimii 3 ani de activitate

Nr d/o	Obiectul contractului	Denumirea/numele beneficiarului/Adresa	Calitatea Furnizorului/Prestatorului <sup>*)</sup>	Prețul contractului/valoarea bunurilor/serviciilor livrate/prestate	Cantitatea (buc., km., serv.; ș.a.)	Perioada de livrare/prestare (luni)
1	Contoare de uz casnic	S.C. MULTIENERGO S.R.L. 2020	Contract unic	2006.4 mii euro	60793 buc.	7 luni
2	Contoare de uz casnic	S.C. MULTIENERGO S.R.L. 2021	Contract unic	1852.1 mii euro	56219 buc.	7 luni
3	Contoare de uz casnic	S.C. MULTIENERGO S.R.L. 2022	Contract unic	2015.8 mii euro	55397 buc.	7 luni
4	Contoare de uz casnic	ООО «Тираспольтрансгаз -Приднестровье» 2020	Contract unic	35.5 mii euro	1024 buc.	5 luni
5	Contoare de uz casnic	ООО «Тираспольтрансгаз -Приднестровье» 2021	Contract unic	98.6 mii euro	1654 buc.	5 luni
6	Contoare de uz casnic	ООО «Тираспольтрансгаз -Приднестровье» 2022	Contract unic	93.1 mii euro	1414 buc.	5 luni
7	Contoare de uz casnic	ROTALIN GAZ TRADING S.R.L. 2022	Contract unic	955.1 mii lei	930 buc	3 luni

<sup>\*)</sup> Se precizează calitatea în care s-a participat la îndeplinirea contractului, care poate fi de: contractant unic sau lider de asociație; contractant asociat; subcontractant.

Semnat: \_\_\_\_\_  
 Nume: *Ceh Lutz*  
 Funcția în cadrul firmei: *director general*  
 Denumirea firmei: *ORION-GS SRL*



From the declaration on similar deliveries we find that in the last 3 years the same contractor has delivered meters worth almost 6 million Euro to SC "Multienergo" SRL. In 2022, "Orion-GS" SRL delivered 55397 household meters to SC "Multienergo" SRL at a price of 2,015,800 Euro. This is exactly the number of meters that "Chisinau-gas" SRL purchased from SC "Multienergo" SRL in 2022, at the price of 53,531,555.05 MDL (~USD 11,629,725) with VAT, as we learn from the [Report for monitoring sectoral procurement contracts of "Chisinau-gas" SRL for 2022](#).

## Lack of land subdivision

In several procurement procedures, "Chişinău-Gaz" SRL includes a large number of positions in the same lot. Thus, each contractor wishing to participate in a procurement procedure should be able to satisfy all the positions included in the lot. This practice of the contracting entity dissatisfied some contractors, who accused the contracting entity of limiting competition. In the procurement procedure for fasteners, No [ocds-b3wdp1-MD-1703844416707](#), **the contracting entity included 12 items in one lot.**

8. Cumpărătorul invită operatorii economici interesați, care îi pot satisface necesitățile, să participe la procedura de achiziție privind livrarea/prestarea/executarea următoarelor bunuri /servicii/lucrări:

Nr. d/o	Cod CPV	Denumirea bunurilor solicitate	Unitate de măsură	Cantitatea	Specificarea tehnică deplină solicitată, Standarde de referință
1	44523200-4	Nod de fixare D 15 (Узел крепления газового счетчика Д15)	buc. (set)	490	Conform documentației de atribuire (caietului de sarcini)
2	44523200-4	Nod de fixare D 20 (Узел крепления газового счетчика Д20)	buc. (set)	1 132	Conform documentației de atribuire (caietului de sarcini)
3	44523200-4	Nod de fixare D 25 (Узел крепления газового счетчика Д25)	buc. (set)	13 761	Conform documentației de atribuire (caietului de sarcini)
4	44523200-4	Nod de fixare D 32 (Узел крепления газового счетчика Д32)	buc. (set)	2	Conform documentației de atribuire (caietului de sarcini)
5	44523200-4	Nod de fixare D 40 (Узел крепления газового счетчика Д40)	buc. (set)	2	Conform documentației de atribuire (caietului de sarcini)
6	44523200-4	Garnitură D 15 (Прокладка резиновая Д15)	buc.	69 279	Conform documentației de atribuire (caietului de sarcini)
7	44523200-4	Garnitură D 20 (Прокладка резиновая Д20)	buc.	75 653	Conform documentației de atribuire (caietului de sarcini)

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8	44523200-4	Garnitură D 25 (Прокладка резиновая Д25)	buc.	155 624	Conform documentației de atribuire (caietului de sarcini)
9	44523200-4	Garnitură D 32 (Прокладка резиновая Д32)	buc.	1 828	Conform documentației de atribuire (caietului de sarcini)
10	44523200-4	Garnitură D 40 (Прокладка резиновая Д40)	buc.	1 940	Conform documentației de atribuire (caietului de sarcini)
11	44523200-4	Garnitură D 50 (Прокладка резиновая Д50)	buc.	1 302	Conform documentației de atribuire (caietului de sarcini)
12	44523200-4	Garnitură D 76 (Прокладка резиновая Д76)	buc.	632	Conform documentației de atribuire (caietului de sarcini)

Valoarea estimativă totală (lei fără TVA): 4 136 276,00 MDL

In the "clarifications" section, claims have been made on this issue, with one contractor asking for evaluation per position, in order not to favour a particular company.

In another procurement procedure for gas leak detection devices, No. [ocds-b3wdp1-MD-1672068092615](#), the contracting entity included 13 items in one lot.

**8. Cumpărătorul invită operatorii economici interesați, care îi pot satisface necesitățile, să participe la procedura de achiziție privind livrarea/prestarea/executarea următoarelor bunuri /servicii/lucrări:**

Nr. d/o	Cod CPV	Denumirea bunurilor solicitate	Unitatea de măsură	Cantitatea	Specificarea tehnică deplină solicitată, Standarde de referință
1	38431100-6 38543000-3	Echipament de gasire a conductelor de gaz subterane din otel marca "АНПН"	buc	2	Echipament de gasire a conductelor de gaz subterane din otel marca "АНПН"
2	38431100-6 38543000-3	Echipament de gasire a conductelor de gaz subterane din otel marca "Progress-3"	buc	2	Echipament de gasire a conductelor de gaz subterane din otel marca "Progress-3"
3	38431100-6 38543000-3	Manometru electronic FD09	buc	24	Manometru electronic FD09
4	38431100-6 38543000-3	Aparat multifuncțional de masurare a gazelor VARIOTEC 460 EX	buc	1	Manometru care arata clasa de precizie 2.0 cu gradarea 0...0,4 Mpa
5	38431100-6 38543000-3	Dispozitiv de masurare a rezistentei ІІС- 4107	buc	3	Dispozitiv de masurare a rezistentei ІІС- 4107
6	38431100-6 38543000-3	Dispozitiv de masurare a rezistentei ІС-20/1	buc	1	Dispozitiv de masurare a rezistentei ІС-20/1
7	38431100-6 38543000-3	Manometru digital diferential Testo 510	buc	4	Manometru digital diferential Testo 510

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8	38431100-6 38543000-3	Detector de scurgeri de gaze Inspectra Laser	buc	2	Detector de scurgeri de gaze Inspectra Laser
9	38431100-6 38543000-3	Detector de scurghi de gaze "Bapra 5-03"	buc	2	Detector de scurghi de gaze "Bapra 5-03"
10	38431100-6 38543000-3	Manometru electronic 3 kg/cm2	buc	11	Manometru electronic 3 kg/cm2
11	38431100-6 38543000-3	Detector de scurghi de gaze TGM-3	buc	44	Detector de scurghi de gaze TGM-3
12	38431100-6 38543000-3	Detector de gaze SNOOPER mini	buc	68	Detector de gaze SNOOPER mini
13	38431100-6 38543000-3	Detector de gaze "ФП11,2"	buc	13	Detector de gaze "ФП11,2"
<b>Valoarea estimativă totală (lei fără TVA): 3 678 391,67</b>					

Again, the lack of allotment has been the subject of requests for clarification in the MTender system. One contractor asked whether it would be allowed to participate in the competition for only one product and not for all positions. He was told that the procedure in question is carried out in a single integral batch. Another contractor asked to avoid any apparent restriction of the participation of contractors by cancelling the current procedure and starting another one, respecting the principle of division into lots. No objections were lodged

against the tender dossier on this point. Subsequently, one additional agreement was concluded to amend the goods in the contract and others to extend the delivery period. The delivery period was extended from 120 days to 240 days. These circumstances might not have arisen if the contracting entity had divided the purchase into lots, thus leaving the possibility for other contractors to submit tenders which they could have honored.

Even in the case of the purchase of computers and office equipment, No [ocds-b3wdp1-MD-1703842634584](#), the entity procured the goods under **9 different positions included in a single lot**, although the division into lots would have allowed for wider competition.

**8. Cumpărătorul invită operatorii economici interesați, care îi pot satisface necesitățile, să participe la procedura de achiziție privind livrarea/prestarea/executarea următoarelor bunuri /servicii/lucrări:**

Nr. d/o	COD CPV	Denumirea bunurilor solicitate	Unitate de măsură	Cantitate	Specificarea tehnică deplină solicitată, Standarde de referință
1	30141200-1	Unitate multifuncțională (MFU A4)	buc.	45	descrișă în documentația de atribuire (caiet de sarcini)
2	30141200-1	Calculator (All-in-One) - 1	buc.	123	descrișă în documentația de atribuire (caiet de sarcini)
3	30141200-1	Notebook	buc.	10	descrișă în documentația de atribuire (caiet de sarcini)
4	30141200-1	Unitate multifuncțională (MFU A4) laser color	buc.	2	descrișă în documentația de atribuire (caiet de sarcini)
5	30141200-1	Unitate multifuncțională (MFU A3) Canon	buc.	1	descrișă în documentația de atribuire (caiet de sarcini)
6	30141200-1	Calculator (All-in-One) - 2	buc.	1	descrișă în documentația de atribuire (caiet de sarcini)
7	30141200-1	Scanner (A4)	buc.	2	descrișă în documentația de atribuire (caiet de sarcini)
8	30141200-1	Printer (A4)	buc.	16	descrișă în documentația de atribuire (caiet de sarcini)

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9	30141200-1	Planset	buc.	3	descrișă în documentația de atribuire (caiet de sarcini)
<b>Valoarea estimativă totală, lei fără TVA:</b>					<b>2 611 250,00 MDL</b>

One contractor drew the contracting entity's attention to the fact that the lotting would result in more advantageous tenders. The contracting entity replied that it had the right not to allocate, without justifying its decision. We consider that such an approach shows bad faith on the part of the contracting entity, as well as possible favoring of some contractors. The contract was awarded to the only bidder - "BTS Pro" Ltd. The situation is similar to another procurement procedure for computers and office equipment, No. [ocds-b3wdp1-MD-1672326028356](#). In this case too, the contract, containing nine different items, was awarded to the same contractor - "BTS Pro" SRL.



And the cleaning services procurement procedure, No [ocds-b3wdp1-MD-1701430918640](#), **included cleaning services to be provided in 22 different locations in a single lot.** No small company could have been awarded such a contract, which means that competition was limited in favor of a large company. The contract was awarded to the only bidder - "Proterra Grup" SRL. The same contractor had also obtained a contract for the procurement of cleaning services in early 2023 as a result of the repeated tender No. [ocds-b3wdp1-MD-1675841854065](#).

***Designation as successful of a non-compliant tender/Favouring of contractors who submitted non-compliant tenders***

In the steel pipe procurement procedure, no. [ocds-b3wdp1-MD-1701412139866](#), "Chişinău-gaz" SRL proposed to purchase 26 different pipe positions. In point 14 of the contract notice, which refers to the possibility for a contractor to submit a tender by lots, the entity indicated "applicable". However, the 26 positions are entered in the Mtender system as one lot. The evaluation of the tenders was carried out as for a single lot with 26 positions and the tender submitted by "Metalica-Zuev" SRL was designated as the winner. The contractor "Santarm" SRL submitted an objection, arguing that not all the positions offered by "Metalica-Zuev" SRL would correspond to the technical specification referring to the metal thickness. The contracting entity replied that the deviations from the winning tender did not affect the substance of the decision taken by the working group.

In examining the challenge, the ANSC found that "SRL "Chisinau Gaz" did not carry out the evaluation of the bids according to its own instructions in the tender documentation and, respectively, **did not award the contracts for each lot meeting the pre-established award criteria, including the technical requirements requested in the tender documentation.** Therefore, the Agency considers admissible the complainant's claim that "the company Santarm SRL offered the lowest price for the goods requested, and which corresponds to the technical characteristics requested in the tender in question", but for certain lots, including lot no. 2 and lot no. 25, "Santarm" SRL offered lower prices for the products subject to the procedure than the prices proposed by the successful tenderer". With reference to the entity's acceptance of the different thickness of the metal compared to the technical specification, ANSC considered that **"accepting products with different specifications is an action contrary to the principles regulated in Article 28 of Law no. 74/2020, according to which contracting entities shall treat contractors equally, without discrimination and act in a transparent and proportionate manner"**.

The ANSC upheld the appeal and ordered a re-evaluation of the bids. However, "Chişinău-Gaz" SRL ordered the [cancellation of the procedure](#) on the grounds that an error had been admitted when indicating the award of contracts by lots.

In the tender procedure "Purchase of protective equipment, special clothing and footwear", No [ocds-b3wdp1-MD-1701436760452](#), all three lots were awarded to the contractor "Absolutely Safety" SRL. The contractor "Universcom" SRL filed an objection to two lots, arguing that the winning bids would be non-compliant. ANSC partially admitted the objection and ordered the re-evaluation of the tender "Absolutely Safety" SRL, considering that this contractor did not submit conformity/quality certificates as required in the tender

documentation. The contracting entity re-evaluated the tenders and awarded the contracts to "Absolutely Safety" SRL again. A new complaint is in the process of being examined by ANSC.

Another aspect invoked by the complainant is the fact that the company "Absolutely Safety" SRL was founded by the head of another company on the banned list - "Soling" SA. The contractor SA "Soling" was included in the ban list managed by the Public Procurement Agency as a result of submitting false documents in a procurement procedure conducted by the Resources Insurance and Property Management Agency of the Ministry of Defence in 2021. However, goods produced by SA "Soling" continue to be purchased by contracting authorities and contracting entities in tenders conducted with public money. However, an affiliated company - Absolutely Safety Ltd., registered by the administrator of Soling SA, Dubic Ruslan, on 10.07.2013, participates in the tenders. Currently, the administrator and sole founder of this company is Dubic Vera. ANSC did not admit these claims on the grounds that, on the one hand, the company "Absolutely Safety" Ltd. does not currently have as partners/managers persons who are partners/managers in the "Soling" OJSC. On the other hand, the exclusion of operators on the banned list is optional in the case of sectoral purchases.

### ***Incorrect evaluation of tenders/Unjustified rejection of a tender***

In the procurement procedure for the metrological verification of legal measuring instruments, no. [ocds-b3wdp1-MD-1701785346869](#), "Chişinău-Gaz" SRL rejected the bidder "Center for Applied Metrology and Certification" for not having submitted some documents, not foreseen in the tender documentation. These circumstances prompted the tenderer "Centrul de Metrologie Aplicată și Certificaare" to lodge an objection with ANSC for lots 2 and 4.

The documents not foreseen in the tender documentation but on the basis of which the entity rejected this tenderer were the following:

- Annexes to the certificate of accreditation with validity until February 13, 2024 (valid at the stage of evaluation of offers)

No clarifications were requested from the tenderer "Center for Applied Metrology and Certification" in this respect, although the entity was to request clarifications under the provisions of Article 69 (4) of Law 74/2020. If the entity had used the clarification mechanism, the tenderer would have had the opportunity to submit the new accreditation certificate, valid until 2028, obtained on February 14, 2024, which was issued after the deadline for submission of tenders.

- Failure to present the certificate of designation in metrology

There was no requirement in the tender documentation to provide this certificate. The tenderer explained that this certificate is obtained after the accreditation certificate has been

obtained, as the new accreditation certificate was obtained on February 14, 2024, i.e. after the evaluation of the tenders.

ANSC admitted the appeal and ordered the re-evaluation of the tender submitted by the "Center for Applied Metrology and Certification".

### ***Additional agreements amending contracts***

In addition to agreements to increase / decrease the value of contracts or to extend the execution term, in the execution reports of sectoral procurement contracts of "Chisinau-gas" Ltd. we also find contracts for the modification of goods. We learn about their conclusion from the [report for 2023](#). Among the most modified contracts we list:

1. Contract No 111 of 15.03.2023 for the purchase of gas leak detection devices concluded with "Varox Commerce" Ltd. as a result of the procurement procedure [ocds-b3wdp1-MD1672068092615](#) has been amended five times. The first agreement, dated May 22, 2023, amended the equipment. Then on July 12, 2023 the delivery time was amended from 120 days to 150 days. On August 2, 2023, the contract was increased by 11,040 Euro (~USD 11942). Two further additional agreements amended the delivery period to 180 days and 240 days respectively.
2. Contract No 201 of June 22, 2023 for the purchase of paint and varnishes (repeated) concluded with "Varox Commerce" Ltd. was amended by two additional agreements. Both agreements concerned the modification of goods.
3. Contract No 79 of February 21, 2023 for the purchase of gas cabinets, concluded with Agronordteh-M Ltd., has been amended four times. Initially the contract was increased, then decreased, the delivery period was changed and finally the goods were changed.
4. Contract No 78 of February 21, 2023 for the Purchase of computers and office equipment, concluded with "BTS PRO" Ltd. has been amended four times. Two agreements concerned an increase in the delivery period and two others an increase in the contract amount.
5. Contract No 81 of February 21, 2023 for the purchase of insulation materials, concluded with Agronordteh-M Ltd, has been amended four times. Three times the delivery time was increased and once the specifications of the goods were changed with respect to the tolerance of +/-3%.
6. Contract No 148 of April 13, 2023 for the purchase of construction and capital repair works of cathodic protection stations, concluded with "Profaluminu" Ltd, has been amended three times. The amount was changed, then the name of the subject matter, and later the execution deadline.
7. Contract no. 108 of March 15, 2023 for the purchase of construction works of the Gas Regulation Points mun. Chisinau, concluded with "Agronordteh-M" Ltd., was amended five times. All five agreements were aimed at modifying the amount of the contract.

In order to elucidate the relevant circumstances regarding these additional agreements, we requested information from "Chişinău-gaz" SRL. We undertake to come back with the reply from "Chişinău-gaz" and the information requested to be provided to us.

## **Conclusions**

Narrow terms, narrow requirements, the inclusion of numerous goods items in a single lot - all of these limit competition, eliminating contractors who do not meet the requirements 100%. What happens is that even the contractor who won the contract cannot deliver all the goods it has undertaken to deliver, or cannot meet the delivery terms originally set. However, if the requirements had been designed from the outset to allow a larger number of contractors to submit tenders, the contracting entity could have obtained more advantageous offers. Hence the numerous additional agreements, which in some cases raise suspicions of favoritism. Additional agreements can be caused by various circumstances, ranging from poor procurement planning, unforeseeable situations arising in the contract execution process, to favoring contractors who, although awarded the contract, cannot honor it and need adjustments.

**Author: Agency for Efficient and Accountable Governance (AGER)**